

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ELRIDGE V. HILLS, JR. §
VS. § CIVIL ACTION NO. 9:14cv114
CAPTAIN BOTTEN, ET AL. §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Elridge V. Hills, Jr., an inmate at the Polunsky Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.¹

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So Ordered and Signed

Jan 22, 2018



Ron Clark, United States District Judge

¹ It is noted that in addition to failing to submit a proper application to proceed *in forma pauperis*, as ordered, plaintiff also failed to diligently prosecute this action by not notifying the court of the disposition of Civil Action No. 9:13cv202, styled *Hills v. South Polunsky Unit*, following the resolution of his objection to the severance of his claims. Plaintiff's appeal of the severance was dismissed on February 17, 2016. Additionally, plaintiff's appeal of the judgment in the previous action was dismissed on February 1, 2017.